

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

Sylvester Collins, Pro Se
Plaintiff(s)

vs.
Dino Jukic
John P. DeTraglia
Patrick West
Defendant(s)

Civil Case No.:

**CIVIL
RIGHTS
COMPLAINT
PURSUANT TO
42 U.S.C. § 1983**

Plaintiff(s) demand(s) a trial by: ☐ JURY ☒ COURT (Select only one).

Plaintiff(s) in the above-captioned action, allege(s) as follows:

6:23-cv-1543

JURISDICTION

1. This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4) and 2201.

PARTIES

2. Plaintiff: SYLVESTER COLLINS
Address: MARCY CORRECTIONAL FACILITY
9000 OLD RIVER ROAD
MARCY, NEW YORK 13403

Additional Plaintiffs may be added on a separate sheet of paper.

3. a. Defendant: DINO JUKIC
Official Position: POLICE OFFICER
Address: 413 ORISKANY STREET WEST
UTICA, NEW YORK 1340 13502

b. Defendant: JOHN P. DETROGLIO
Official Position: POLICE ~~DEPARTMENT~~ OFFICER
Address: 413 ORISKANY STREET WEST
UTICA, NEW YORK 13502

c. Defendant: PATRICK WEST
Official Position: POLICE OFFICER
Address: 413 ORISKANY STREET WEST
UTICA, NEW YORK 13502

Additional Defendants may be added on a separate sheet of paper.

4. **FACTS**

Set forth the facts of your case which substantiate your claim of violation of your civil and/or Constitutional rights. List the events in the order they happened, naming defendants involved, dates and places.

Note: You must include allegations of wrongful conduct as to EACH and EVERY defendant in your complaint. (You may use additional sheets as necessary).

PLEASE SEE THE FOLLOWING
ATTACHED FOUR (4) PAGES

FACTS

On Sunday, December 6 2020, in the city of Utica, Onieda County , New York at approximately 1:35 PM while I was sitting behind the wheel of a 2017 Acura MDX bearing license plate number KDX 2667 which was parked in the driveway of 1629 Seymour Avenue, Officer Dino Jukic of the Utica City Police Department parked his patrol vehicle on the street blocking the driveway where I was parked. Dino Jukic then exited his patrol vehicle, approached me, requested license, registration, and my identity, and upon learning that my alleged driver's license and/or driving privileges were suspended, informed me that he would be issuing me citations for Aggravated Unlicensed Operation of a Motor Vehicle [in the third degree] and Failure to Signal During a Turn. Dino Jukic then informed me that I would not be allowed to drive the vehicle away due to my alleged suspension. I told Dino Jukic that I would be calling a licensed driver to come and retrieve the automobile to which he conceded. A couple of minutes later, Officer John P. DeTraglia of the Utica City Police Department arrived on the scene and engaged me. DeTraglia demanded that I get out of the automobile because it was being impounded, to which I responded telling him that a licensed driver was on the way to retrieve the automobile. Then, DeTraglia tried to open the driver side door to forcefully remove me from the automobile after I refused his commands for me to exit the automobile. John P. DeTraglia then threatened to break the window, forcefully remove me and charge me with a crime at which time I, reluctantly, under protest and duress exited the automobile and told John P. DeTraglia that "I do not consent to any search and/or seizure of the automobile". Upon my exiting of the vehicle, Officer John P. DeTraglia along with Officer Patrick West of the Utica City Police Department began to search the automobile. I later learned that Officer Dino Jukic had arranged for the automobile to be impounded (seized). Before I exited the automobile, my sister-in-law, Aisha, along with my mother Cynthia Henderson, whom my brother, Richard Greene (passenger), called, arrived on the scene to retrieve the vehicle and told Officers DeTraglia, West, and Jukic so. Initially, I was not being arrested, I was issued two traffic citations and was free to go at which time I was walking down the street with my mother, headed to a friends house on the same street when Officer Dino Jukic ran up behind me, grabbed me and told me that I was then being placed under arrest due to evidence of a crime being found during the inventory search of the automobile. I told Officer Dino Jukic that he was thereby depriving me of my rights under the color of law. While handcuffed, I refused to get into the patrol vehicle at which time Officer John P. DeTraglia pushed me into the backseat of a patrol vehicle and Officer Patrick Husney transported me to the Utica Police Department. From the moment that Officer Dino Jukic bound my wrists behind my back, I was seized and unlawfully

arrested, thereby causing me to be deprived of the rights to be secure in my person and effects against unlawful search and seizure; the right to free movement; and the right to life, liberty and the pursuit of happiness. Officer Dino Jukic then came to court and stated that he was never told that a licensed driver was coming to retrieve the automobile-- later, in court, Jukic admitted that he was told that a licensed driver was on the way to retrieve the automobile before it was impounded; in court Jukic stated that he turned on his emergency lights and I immediately pulled into the driveway - later, in court, Jukic admitted that I was already parked in the driveway when he turned onto the street; Jukic stated in court that the people who were standing on the porch at 1631 Seymour Avenue asked him how long would we be in the driveway [implying that I was blocking them from getting in or out] - later, in court, Jukic admitted that he did not know if the driveway belonged to 1631 (where the people who allegedly made inquiry) were) or 1629 Seymour Avenue, Jukic's body camera footage of the incident along with investigative pictures of the scene were contrary to his stated reasons for impounding the automobile as the driveway I was parked in actually belonged to 1629 Seymour Avenue and not 1631 Seymour Avenue, and in the event that the driveway did belong to 1631, he (Jukic) did not know if the people on the porch even lived there (1631 Seymour Avenue) to have tenancy or proprietorship to the driveway to imply that they wanted the automobile moved. Jukic's body camera footage reflects that he never even had a conversation with the people on the porch at 1631 Seymour Avenue. These inconsistencies in Jukic's stated reasons for the impoundment of the automobile in question ultimately lead to and continuously causes me to suffer a degraded quality of life for 1094 days of illegal imprisonment to date.

First Claim: Deprivation of Rights Under the Color of Law

Officer Dino Jukic deprived me of rights under the color of law when on December 6, 2020 at approximately 1:45 pm, in Utica, New York, while I was sitting in the driver's seat of an 2017 black coffee colored Acura MDX bear license plate number KDX 2667, which was parked in the drive way of 1629 Seymour Avenue, he (Jukic) did illegally and unlawfully impound (seize) said automobile, which I did lawfully possess at the time.

As a result, Jukic did unlawfully arrest me thereby causing me to experience a degraded quality of life for the currently 1094 days to date that I have been unlawfully imprisoned as a direct result of Dino Jukic depriving me of rights under the color of law.

Second Claim: Deprivation of Rights Under the Color of Law -

Officer John P. DeTraglia did deprive me of rights under the color of law when at approximately 1:40pm, on December 6, 2020, in Utica, New York, he (DeTraglia) did unlawfully search the coffee black 2017 Acura MDX bearing license plate number KDX 2667 which I did lawfully possess at the time.

Third Claim: Deprivation of Rights Under the Color of Law -

Officer Patrick West did deprive me of rights under the color of law when at approximately 1:40pm, on December 6, 2020, in Utica, New York, he (West) did unlawfully search the coffee black colored 2017 Acura MDX bearing license plate number KDX 2667 which I did lawfully possess at the time.

Fourth Claim: Deliberate Indifference -

Officer Dino Jukic was deliberately indifferent to the Fourth Amendment right to be secure in my person and effects against illegal and unlawful search and seizure at approximately 1:45pm, on December 6, 2020, in Utica, New York, when he fabricated lawful reasons to seize the automobile (black coffee color 2017 Acura MDX bearing license plate number KDX 2667) which I did lawfully possess at the time.

Fifth Claim: Unlawful arrest -

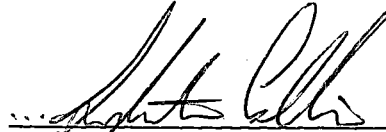
Officer Dino Jukic did unlawfully arrest me at approximately 1:48pm, on December 6, 2020, in Utica, New York incident of his (Jukic's) unlawful impoundment (seizure), and John P. DeTraglia's along with Patrick West's consequent illegal and unlawful inventory search of the black coffee colored 2017 Acura MDX bearing license plate number KDX 2667 which I did lawfully possess at the time.

WHEREFORE, I, the undersigned plaintiff request that this Court grant the following relief:

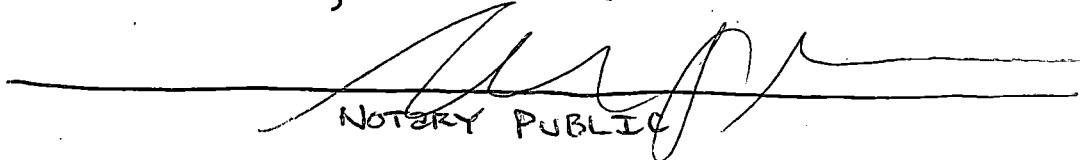
- \$20,000.00 (Twenty Thousand Dollars) for the illegal search
- \$20,000.00 (Twenty Thousand Dollars) for the illegal seizure
- \$1,000.00 (One Thousand Dollars) per day I've suffered illegally imprisoned; a total of \$1,134,000.00 (One-- Million-- One Hundred - Thirty Four Thousand Dollars and Zero Cent)

I, Sylvester Collins, do hereby declare under penalty of perjury that the foregoing is true and correct.

DATED: December 6, 2023


Sylvester Collins
c/o Din # 22b1872
Marcy Correctional Facility
9000 Old River Road
Marcy, New York 13403-3600

SUBSCRIBED and SWORN
TO BEFORE ME THIS 6th DAY OF
December, 2023


NOTARY PUBLIC

AMANDA JO MAYNE
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01MA6414122
Qualified in Jefferson County
My Commission Expires: 2/16/2025